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SUBJECT: DAS MARCIEL RAISES LAND ISSUES, ELECTIONS WITH SAR
KHENG

¶1. (SBU) SUMMARY. Deputy Assistant Secretary For East Asian And Pacific Affairs Scot Marciel met with Deputy Prime Minister of Interior Sar Kheng January 17 to discuss preparations for Cambodia's 2008 National elections and the issue of forced land evictions. Sar Kheng raised security issues related to the Khmer Rouge Tribunal (KRT). Sar Kheng was well-briefed on U.S.-Cambodia bilateral issues discussed earlier in the day at a bilateral dialogue meeting (septel). The Ambassador and DCM were also in attendance. END SUMMARY.

KRT ARREST SUCCESS STORIES

¶2. (SBU) Sar Kheng opened the discussion by emphasizing the symbolic importance of the KRT in responding to the wishes of the people of Cambodia and the international community, and in providing justice to the victims. He described the difficult logistics put in place to defuse any potentially violent reaction to the arrests of Nuon Chea and Khieu Samphan, who still claim popular support in the Pailin area where they resided. Sar Kheng said that only with the cooperation of Pailin municipal authorities were the arrests conducted successfully. He also described the great lengths to which the RGC went in order to stabilize Khieu Samphan's medical condition and stated his death would have been a "big loss" to the KRT. Sar Kheng expressed a desire for the KRT court to take these security issues into account when considering expanding the scope of arrests. DAS Marciel responded that the KRT helped create a positive impression in the international community and that the U.S. supported the U.N. in efforts to strengthen court management in the KRT and address administrative issues. DAS Marciel summarized the positive growth in the bilateral relationship and stated the U.S. desire to support efforts to resolve issues and continue to find areas where the U.S. could be helpful.

IMPROVEMENTS IN ELECTION ENVIRONMENT?

¶3. (SBU) DAS Marciel asked Sar Kheng to explain specific plans for security for the 2008 national elections. Sar Kheng explained that the RGC wanted to ensure equal opportunity for political parties to conduct campaigns, ensure the safety and security for the election itself, and create an environment where people feel free to vote. Sar Kheng stated the RGC welcomed national and international election observers. Sar Kheng committed to working with the National Election Committee to ensure political parties' ability to campaign. He noted that in a country of 14 million people there were 45 registered political parties. (NOTE: The final number who register to participate in the actual election will likely be smaller. END NOTE.) He believed that the preparations for the 2008 elections were "far better" than in 2003 when there were still outstanding

political issues and security concerns. Sar Kheng expressed his belief that democracy could be accepted by all Cambodians and that no other regime, communist or authoritarian, could interrupt its progress. Sar Kheng highlighted the success of the local commune elections in 2002 and 2007 and the MOI's plans to help with development of democratic governance at the local levels. He stated the draft sublevel law required amendment to the Cambodian Constitution. He expected the law to be enacted in 2009. DAS Marciel congratulated the RGC on the successful commune elections and concluded that peaceful national elections would be good not only for Cambodia but for the region.

FORCED LAND EVICTIONS SCRUTINY

¶4. (SBU) Raising the topic of human rights, DAS Marciel told Sar Kheng that one issue receiving considerable attention in Washington was forced land evictions. He asked Sar Kheng how serious the problem was and what could be done further. Sar Kheng acknowledged there were cases of forced evictions, then took the opportunity to highlight the RGC efforts to resolve several specific disputes. He noted the direct intervention of the RGC in the settlement area near the Council of Ministers to assist the people after which the development company reach an agreement on building residences for the evicted.

¶5. (SBU) Sar Kheng stated that in the Boeng Kak lake case, the municipality of Phnom Penh had planned to evict the residents 2 weeks ago but that the RGC asked for further studies to determine who would actually be landless at the location or who may be squatting there but with a residence elsewhere. He stated that Prime Minister Hun Sen supported this initiative. Sar Kheng also discussed two settlement

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cases in Battambang in the lake five area where 400 families from various provinces were living on public land. He stated the families were living in "disorganized communities" and he had sought approval to turn these communities into villages with proper administrative management and infrastructure such as roads and schools. He also sought to delay the closure of the voter registration for these communities by several days acknowledging "they are in disarray, but they are Cambodian and the government can't deny they exist." Sar Kheng stated the goal was to provide land concessions for private ownership to the families and organize them into one or two villages of 200 families each. He extended an invitation to the Ambassador to attend an inauguration ceremony for the villages at a future date.

¶6. (SBU) COMMENT: Sar Kheng was well-briefed on Marciel's bilateral dialogue and moved quickly into substance. His remarks on the government's internal deliberations about how to manage potential unrest in Pailin were enlightening -- and possibly influenced by the fact that a group from the tribunal had been in Pailin seeking to address concerns earlier in the week. Although Sar Kheng illustrated knowledge of specific land issues and empathy with the evicted, he took the same "solving these problems one-at-a-time approach" we've seen from other senior leaders, who seem not to recognize that lack of transparency and systemic weaknesses are underlined when a Deputy Prime Minister must intervene to resolve specific cases. END COMMENT.

¶7. (U) DAS Marciel did not have the opportunity to clear this cable.

MUSSOMELI